

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: July 7, 2004 Name: John G. Rauch

Signature: 

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: William David Stewart, et al.

Appln. No.: 10/761,734

Filed: January 20, 2004

For: DETERMINATION OF WHEEL SENSOR
POSITION USING SHOCK SENSORS
AND A WIRELESS SOLUTION

Examiner: not assigned

Art Unit: 2632

Attorney Docket No: 1981/688

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Petition under 37 CFR 1.181 with Declaration of John G. Rauch with Exhibit 1, copy of the Notice of Omitted Items mailed 4/19/2004, two identical compact discs marked REPLACEMENT COPY 1 and REPLACEMENT COPY 2 and having a CD-Rom appendix containing computer source code in IBM-PC format compatible with MS-Windows operating system; a list of the 15 files contained in two folders on the compact discs, along with the file sizes in bytes and the file creation dates is provided on the following pages of this transmittal. The creation date of the CD-Roms is July 8, 2004

- ☒ Return Receipt Postcard

Fee calculation:

- ☐ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☒ A petition or processing fee in an amount of \$130 under 37 C.F.R. § 1.17(h).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☒ Please charge Deposit Account No. 23-1925 in the amount of \$130. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

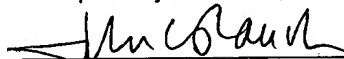
- ☒ The enclosed CD Rom appendix contains the following files:

Name of file		Size in bytes	
<u>Folder</u>	<u>File name</u>	<u>Size</u>	<u>Date of Creation</u>
Motion Detection Software			
	adcony.asm	919 bytes	1/23/2003
	delay	6322 bytes	12/4/2002
	framtx.asm	3663 bytes	2/5/2003
	Main.asm	6530 bytes	1/16/2004
	motion.asm	4591 bytes	2/5/2003
	quad.asm	10719 bytes	12/4/2002
	startup.asm	3506 bytes	12/4/2002
	tx_sync.asm	2030 bytes	1/23/2003
Wireless Software			
	delay.asm	6322 bytes	8/8/2002
	dirchk6.asm	17955 bytes	12/4/2002
	framerx.asm	11516 bytes	11/29/2002
	frametx.asm	7452 bytes	6/6/2003
	frd3_5.asm	19078 bytes	12/19/2003
	inital.asm	2894 bytes	11/29/2002
	wirbd3_5.asm	19036 bytes	5/29/2003

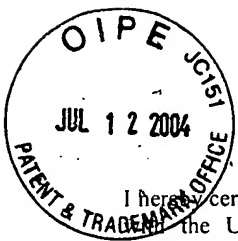
Date

2/2/2004

Respectfully submitted,



John G. Rauch (Reg. No. 37,218)



I hereby certify that this correspondence is being deposited
in the United States Postal Service, with sufficient
postage, as first class mail in an envelope addressed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

on July 7, 2004

Date of Deposit

John G. Rauch

Name of applicant, assignee or

Registered Representative

Signature

Date of Signature

Our Case No. 1981/688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stewart, William David, et al.

Serial No. 10/761,734

Filing Date: January 20, 2004

For DETERMINATION OF WHEEL
SENSOR POSITION USING SHOCK
SENSORS AND A WIRELESS
SOLUTION

Examiner *not assigned*

Group Art Unit No. 2632

PETITION UNDER 37 C.F.R. § 1.181

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Omitted Items in a Nonprovisional Application dated May 7, 2004, Applicant hereby petitions under 37 CFR § 1.181 for a determination that the files contained on the compact discs filed with the application were received by the USPTO.

The present application was filed on January 20, 2004, with the necessary filing fee, a 67 page specification, 27 sheets of drawings, signed Declaration, two identical compact discs containing a Computer Listing Appendix and a preliminary amendment, along with other documents. The compact discs included a total of 17 files in two folders. The preliminary amendment amended the specification to add a reference to the compact discs and to list the files stored thereon. A copy of the return receipt postcard filed with the application is enclosed herewith as Exhibit 1 to the attached Declaration of John G. Rauch.

On May 7, 2004, a Notice of Omitted Items in a Nonprovisional Application was mailed from the USPTO in connection with this application. According to the notice,

the office is unable to read all the files on the compact disc(s). A new duplicate set of discs is required. This includes bad media, viruses and unknown or corrupted file format.

A review of the file copy of the compact disc maintained with applicant's file for the application disclosed that the file contained two files in a format other than the ASCII format required by 37 C.F.R. § 1.52(e)(i)(3). These files were named **motx.pjt** and **wirbd3_5.pjt**. The remaining files on the file copy of the disc were in ASCII format.

To correct the noted deficiency, applicants submit herewith the required duplicate set of compact discs. The non-ASCII files contained on the discs at the time of filing have been removed. The replacement discs contain only files in ASCII format. As evidenced by the attached Declaration of John G. Rauch, the application was filed with two identical copies of the compact disc and each compact disc was confirmed to include all of the files listed on the transmittal for the application. As evidenced by the attached return receipt postcard, the complete application with the compact discs was received by the USPTO. The enclosed discs include the ASCII files that were filed with the application and omit the non-ASCII files from that date.

If the present petition is approved, it is proposed to file a preliminary amendment to correct the reference to the Computer Listing Appendix included in the specification of the application. The specification should be amended by deleting the reference to the non-ASCII files which have been removed from the replacement discs. This amendment to conform the

Application no. 10/761,734
Petition dated: July 7, 2004
Reply to notice dated: May 7, 2004

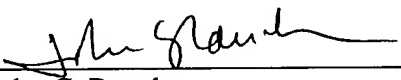
specification to the contents of the Computer Listing Appendix will be submitted upon grant of the petition.

Accordingly, as this petition and accompanying exhibit evidencing deposit of the original compact discs are being timely filed in response to the Notice of Omitted Item(s) dated May 7, 2004, the determination that items were omitted in this application should be withdrawn.

Fee payment

The Commissioner is hereby authorized to charge payment of any fees associated with this petition to Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed. A determination that the alleged missing items were actually received by the USPTO is respectfully requested, along with refund of the enclosed fee.

Respectfully submitted,



John G. Rauch
Registration No. 37,218
Attorney for Applicant

July 7, 2004
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

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Disle

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/761,734	01/20/2004	William David Stewart	1981/688

CONFIRMATION NO. 3803

00757
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

FORMALITIES LETTER



OC000000012565801

07/13/2004 MBLANCO 00000008 231925 10761734

Date Mailed: 05/07/2004

01 FC:1460 130.00 DA

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- The office is unable to read all of the files on the compact disc(s). A new duplicate set of discs is required. This includes bad media, viruses, and unknown or corrupted file format.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mailstop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date: July 7, 2004 Name: John G. Rauch Signature: [Signature]

Our File No. 1981/688

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
William David Stewart, et al.)
Serial No.: 10/761,734) Examiner: *not assigned*
Filing Date: January 20, 2004) Group Art Unit No.: 2632
For: DETERMINATION OF WHEEL)
SENSOR POSITION USING)
SHOCK SENSORS AND A)
WIRELESS SOLUTION)

DECLARATION OF JOHN G. RAUCH

Mailstop: Petitions
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

The undersigned hereby states as follows:

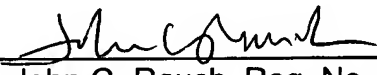
1. The above-identified application was filed in the United States Patent and Trademark Office by the firm of Brinks, Hofer, Gilson, and Lione on January 20, 2004.
2. The application as filed included checks for \$1366 and \$40; a Transmittal letter, in duplicate; a 67-page application; 27 sheets of drawings; a Declaration; two identical CD-roms containing computer source code; a

Permit to File Abroad; Assignment Recordation Sheet; an Assignment; a preliminary amendment; and a postcard evidencing receipt.

3. Attached hereto as Exhibit 1 in support of this declaration are copies of the Transmittal letter, a return receipt postcard filed with the application on January 20, 2004. No items listed on the return receipt postcard have been crossed out, indicating that all items were received by the USPTO. The postcard further indicates that serial number 10/761,74 was assigned to the application.
4. Prior to mailing the application, I had the CD Roms prepared with electronic files provided to me by an inventor of the application. I instructed a member of the Brinks Hofer Gilson & Lione Information Services Department to burn a CD Rom with the files as they were stored on the firm's computer system. I requested preparation of three copies, two for filing in the USPTO with the application and one as a file copy.
5. After the CD Roms were prepared, I prepared the preliminary amendment and the patent application transmittal which listed the file names, sizes and creation dates for the files. As part of this process, I examined each CD Rom and confirmed that all of the files listed were present on each disc. I made this confirmation by loading each of the three discs in the drive on my desktop workstation and viewing the contents of the disc. The files on each disc at the time of filing of the application matched the files listed on the transmittal and on the preliminary amendment.

6. This declaration, and accompanying petition and supporting materials are being timely filed in response to the Notice of Omitted Items dated May 7, 2004.
7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Date: 7/7/2004


John G. Rauch, Reg. No. 37,218



Serial No.
Applicant: STEWART, ET AL.
Client/Matter No.: 1981/688

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please acknowledge receipt of the below identified:

Items Mailed: Checks for \$1366 and \$40; Transmittal Letter, in
duplicate; 67-page application; 27 sheets drawings; Declaration; two
identical CD-roms containing computer source code; Permit to File Abroad;
Assignment Recordation Sheet; Assignment; postcard evidencing receipt.

BRINKS LOFFER GILSON & LIONE

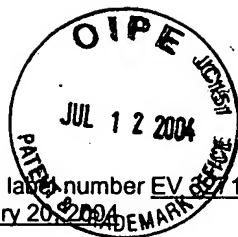
By: John G. Rauch, Reg. No. 37,218

Date of Mailing: January 20, 2004

031356 U.S. PTO
10/761734



012004



"Express Mail" mailing label number EV 170474 US.
Date of Deposit January 20, 2004

Case No. 1981/688

PATENT APPLICATION TRANSMITTAL LETTER

To the Commissioner for Patents:

Transmitted herewith for filing is the patent application of: William David Stewart, Alan Kenneth McCall, Idir Boudaoud and Stephen John Robb for : DETERMINATION OF WHEEL SENSOR POSITION USING SHOCK SENSORS AND A WIRELESS SOLUTION.

Enclosed are:

- ☒ 27 sheet(s) of drawings, 67 pages of application (including title page), and the following Appendices : two identical compact discs marked COPY 1 and COPY 2 and having a CD-Rom appendix containing computer source code in IBM-PC format compatible with MS-Windows operating system; a list of the 17 files contained in two folders on the compact discs, along with the file sizes in bytes and file creation dates is provided on the following pages of this transmittal. The creation date of the CD-Roms is January 20, 2004.
- ☒ Declaration.
- ☐ Power of Attorney.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Assignment transmittal letter and Assignment of the invention to: Schröder-Bridgeport International, Inc.
- ☒ Permit to File Abroad issued by the U.K. Patent Office.
- ☒ Preliminary Amendment.

Claims as Filed	Col. 1	Col. 2
For	No. Filed	No. Extra
Basic Fee		
Total Claims	34-20	14
Indep. Claims	7-3	4
Multiple Dependent Claims Present		

*If the difference in col. 1 is less than zero, enter "0" in col. 2.

Small Entity	
Rate	Fee
	\$ 385
x\$9=	\$
x\$43=	\$
+\$145=	\$
Total	\$

Other Than Small Entity	
Rate	Fee
	\$ 770
14x\$18=	\$252
4x\$86=	\$344
+\$290=	\$
Total	\$1366

- ☐ Please charge my Deposit Account No. 23-1925 in the amount of \$: _____. A duplicate copy of this sheet is enclosed.
- ☒ A check in the amount of \$: 1366 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
 - ☒ Any additional filing fees required under 37 CFR § 1.16.
 - ☒ Any patent application processing fees under 37 CFR §1.17.
- ☐ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
 - ☐ Any filing fees under 37 CFR § 1.16 for presentation of extra claims.
 - ☐ Any patent application processing fees under 37 CFR § 1.17.
 - ☐ The issue fee set in 37 CFR § 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR § 1.311(b).

1/20/2004
Date

John G. Rauch
BRINKS HOFER GILSON & LIONE
Registration No. 37,218
Customer No. 00757 - Brinks Hofer Gilson Lione

The enclosed CD Rom appendix contains the following files:

Name of file

Size in bytes

Folder

Motion Detection Software

File name

Size

Date of Creation

adcony.asm	919 bytes	1/23/2003
delay	6322 bytes	12/4/2002
framtx.asm	3663 bytes	2/5/2003
Main.asm	6530 bytes	1/16/2004
motion.asm	4591 bytes	2/5/2003
motx.pjt	2807 bytes	2/7/2003
quad.asm	10719 bytes	12/4/2002
startup.asm	3506 bytes	12/4/2002
tx_sync.asm	2030 bytes	1/23/2003

Wireless Software

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frametx.asm	7452 bytes	6/6/2003
frd3_5.asm	19078 bytes	12/19/2003
inital.asm	2894 bytes	11/29/2002
wirbd3_5.asm	19036 bytes	5/29/2003
wirbd3_5.pjt	2172 bytes	12/22/2003